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**IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH**  
**CENTRAL DIVISION**

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**MARIA VELASQUEZ SANDOVAL,**

**Petitioner,**

v.

**UNITED STATES OF AMERICA,**

**Respondent.**

**MEMORANDUM DECISION  
AND ORDER**

**Case No. 2:08CR788 DAK**

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This matter is before the court on Petitioner’s Motion for Transcript and Access to Trial Record. Petitioner, however, has not indicated any reason for obtaining the transcript. If the reason for obtaining the transcript is to pursue a Section 2255 Petition, she would be entitled to the transcript only if she demonstrated that the suit was not frivolous and that the transcript was needed to decide the issue presented by the suit. 28 U.S.C. § 753(f). The Tenth Circuit has construed section 753(f) as requiring that the defendant show “particularized need” for the transcript. *Sistrunk v. United States*, 992 F.2d 258, 259 (10<sup>th</sup> Cir. 1993). It is doubtful, however, that this is the reason for the transcript request, as she waived her right to challenge her sentence in any collateral motion, except on the basis of ineffective assistance of counsel. *See* Statement in Advance of Plea (docket #12).

Accordingly, because Petitioner has not shown a particularized need for her sentencing transcript, IT IS HEREBY ORDERED that her Motion [docket # 19] is DENIED.

DATED this 7<sup>th</sup> day of October, 2009.

BY THE COURT:

  
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DALE A. KIMBALL  
United States District Judge